

THE HON'BLE SRI JUSTICE A.V. SETHA SAI

WRIT PETITION No.24841 of 2015

ORDER:

This writ petition is filed under Article 226 of the Constitution of India seeking the following relief:

“to issue writ of Mandamus to declare the action of the respondents no.2 and 3 in not taking any action against the respondents no. 4 to 14 even though an F.I.R.No.175 of 2015, was registered on 6-7-2015, for the offences of cognizable and non-bailable, is nothing but arbitrary, illegal, null and void and violative of Articles 14, 19 and 21 of the Constitution of India. Consequently, direct the respondents no. 2 and 3 to take necessary action against the respondents no. 4 to 14 basing on the F.I.R.No.175 of 2015.”

Heard Sri K. Venumadhav, learned counsel for the petitioner and learned Government Pleader for Home for respondents, apart from perusing the material available before this Court.

Today, when the matter is called, written instructions, dated 17-08-2015 furnished by the Station House Officer, Korutla Police Station, Karimnagar District have been placed on record by the learned Government Pleader for Home and the said instructions read as under:

“Upon receipt of the private complaint, the Hon'ble Court forwarded it to Station House Officer, Korutla Police Station, Karimnagar District for investigation and report U/sec.156 (3) Cr.P.C. On receipt of the private complaint from the Hon'ble Court, a case in Cr.No.175/2015 U/secs.498-A, 506 IPC and Secs.3 and 4 of DP Act, was registered on the file of Korutla Police Station on 6.7.2015 and investigation was taken up.

The unofficial respondents 4 to 14 herein are shown as accused A1 to A11 in the FIR.

The sum and substance of the private complaint is that all the accused harassed her mentally and physically to bring additional dowry and also threatened her with dire

consequences.

During the course of investigation, the investigating officer examined the complainant-petitioner and recorded her detailed statement. For the purpose of investigation, the investigating officer deputed the staff to trace out the addresses of the witnesses mentioned in the private complaint. The staff deputed to Korutla, searched for the witnesses, but their correct addresses were not traced.

It is submitted that in spite of regular follow up, the complainant-petitioner has not produced her cited witnesses to establish the offence against the accused in the FIR. Except her statement, she is revealing names of the other witnesses. On coming to know the registration of the FIR, Al is absconding from Karimnagar and efforts are being continued.

It is respectfully submitted that many a time orally, the investigating officer requested the petitioner-complainant to produce the relevant witnesses and documentary evidence in support of her version, she did not do so, instead she filed the present writ petition.

I submit that because of non-cooperation of the petitioner-complainant in producing the cited witnesses and documentary evidence, the investigation is delayed.

I humbly submit that if the petitioner-complainant co-operates with investigating agency, it will complete the investigation at the earliest.

I humbly submit that I assure to this Hon'ble Court that the investigation will be completed as expeditiously as possible and an appropriate report u/Sec.173 Cr.P.C. will be filed before the concerned Hon'ble Court by following the due procedure.

It is pertinent to submit that the burden of proof lies also on the part of the complainant-petitioner. If the petitioner cooperates with the investigating agency, it will take necessary steps against the accused basing on the evidence.

I pray this Hon'ble Court to grant some more time to the investigating agency to complete the full-fledged investigation into the case. Having grudge against the unofficial respondents who are alleged accused in the FIR, the petitioner made baseless allegations against the respondent police in the affidavit."

On noticing the above said instructions, learned counsel for the petitioner has requested this Court to record the said instructions and dispose of the writ petition.

In view of the above, the writ petition stands disposed of, by recording the written instructions, dated 17-08-2015 furnished by the Station House Officer, Korutla Police Station, Karimnagar District.

Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. There shall be no order as to costs.

A.V. SESA SAI, J

August 18, 2015

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THE HON'BLE SRI JUSTICE A.V. SESA SAI

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